



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

May 12, 2014

Via Return Receipt

William Hatfield, Esq
Gibbons, P.C.
One Gateway Center
Newark, New Jersey 07102

Re: Access to the Givaudan Roure Corporation containment cell located at 125 Delawanna Avenue, Clifton, New Jersey for remedial investigation work related to the Diamond Alkali Superfund Site

Dear Mr. Hatfield:

As you are aware, the United States Environmental Protection Agency ("EPA") is undertaking an investigation of certain hazardous substances identified in the Lower Passaic River to assist EPA in evaluating the potential sources of contaminants identified at River Mile 10.9 and elsewhere in the Lower Passaic River Study Area, as part of the Diamond Alkali Superfund Site located in Newark, New Jersey pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, known as CERCLA. As part of this clean-up effort, EPA is investigating whether compounds that may be linked with historic operations of your client, the Givaudan Roure Corporation ("Givaudan"), are present in the Passaic River. EPA understands that Givaudan retains ownership of the enclosed area that is the containment cell for certain contaminated soil excavated from other portions of the property as part of Givaudan's clean-up of the property.

EPA has described the sampling to you in correspondence dated October 24, 2013 (copy enclosed) and in a meeting held at your offices on January 29, 2014. EPA also previously transmitted a Quality Assurance Project Plan ("QAPP") to you and will provide a revised QAPP that will contain additional details concerning EPA's investigation activities. In a separate correspondence, EPA will be delineating additional items it requires in order to update the QAPP. Additionally, EPA and its contractor are working on hiring a Licensed Site Remediation Professional for the remedial activities associated with determining whether compounds that may be linked with Givaudan's historical operations are present in the Passaic River.

As you may be aware, EPA is also separately seeking access from Industrial Income Trust, the current owner of the property at 125 Delawanna Avenue on which the containment cell is located, to allow EPA to traverse the property to reach the containment cell.

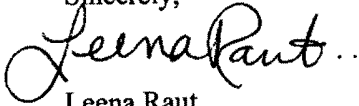
Enclosed for signature by an authorized representative of Givaudan is a Consent for Access to Property form. Please return the signed original form to me, and I will provide Givaudan with a copy for its records.

Internet Address (URL) • <http://www.epa.gov>

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Please do not hesitate to contact me with any questions. I can be reached by telephone at (212) 637-3122 or via electronic mail at Raut.Leena@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Leena Raut..". The signature is written in black ink and is positioned to the left of the printed name.

Leena Raut
Assistant Regional Counsel



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1868

October 24, 2013

BY EMAIL

William S. Hatfield, Esq.
Gibbons, P.C.
One Gateway Center
Newark, NJ 07102-5310

Re: Access to Containment Cell, Former Givaudan Facility,
125 Delawanna Avenue, Clifton, New Jersey

Dear Mr. Hatfield:

As you may know, the United States Environmental Protection Agency ("EPA") is undertaking an investigation of certain hazardous substances identified in the Lower Passaic River, to assist EPA in evaluating the potential sources of contaminants identified at River Mile 10.9 and elsewhere in the Lower Passaic River Study Area ("LPRSA"). By this letter, EPA is requesting access to the containment cell maintained by Givaudan at the location of its former facility at 125 Delawanna Avenue in Clifton, New Jersey, to collect samples as part of this study.

EPA anticipates that the results of the study will be relevant to the conceptual site model of the LPRSA as well as questions raised concerning a potential linkage of the former Givaudan facility to the conditions identified at RM 10.9. EPA is performing this study under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), but the sampling is not being conducted pursuant to the Administrative Settlement Agreement and Order on Consent ("AOC") for the remedial investigation and feasibility study ("RI/FS") of the LPRSA. Rather, EPA will utilize the services of the EPA Office of Superfund Remediation and Technology Innovation Environmental Response Team ("ERT") and its contractor, Lockheed Martin.

EPA plans to collect approximately five samples. We anticipate that the work would take no more than two days. Generally, we anticipate that the samples will be collected by installing borings through the concrete top of the containment cell, then closing up the openings. EPA will provide Givaudan with copy of the validated analytical results.

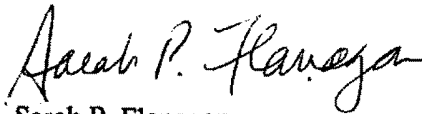
We understand that the containment cell is part of a response action undertaken by Givaudan under New Jersey authority, and that removing material from the cell may be subject to specific state requirements. EPA would like to meet with Givaudan, to explain in greater detail the

sampling approach planned for the containment cell, and discuss with Givaudan any technical information that EPA may need to properly collect samples and restore the integrity of the cell. Marc Greenberg, of ERT, and Eugenia Naranjo, of ERRD, will attend on EPA's behalf.

Depending on Givaudan's availability, we would like to schedule this meeting in mid-November 2013.

I will call you shortly to discuss this access request further; or you can call me at 212-637-3136. We look forward to working with Givaudan.

Yours truly,

A handwritten signature in cursive script, reading "Sarah P. Flanagan".

Sarah P. Flanagan
Assistant Regional Counsel

CONSENT FOR ACCESS TO PROPERTY

Property Owner: Givaudan Roure Corporation

Address of Property: Containment cell located on 125 Delawanna Avenue, Clifton, New Jersey, having the legal description of Block 73-3, Lots 2.01, 102, and 104

Givaudan Roure Corporation ("Givaudan") is the owner of the Property described above. Givaudan understands that the United States Environmental Protection Agency ("EPA") is conducting an investigation of the nature and extent of contamination in the Lower Passaic River Study Area of the Diamond Alkali Superfund Site, pursuant to its responsibilities under the Superfund law, also known as the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675.

Givaudan hereby consents to allow officers, employees and authorized representatives of EPA to have access to its Property to perform the following activities:

- **access the containment cell owned and operated by Givaudan Roure Corporation (the "Cell");**
- **collect samples within the Cell, and thereafter close and restore the Cell; and**
- **conduct measures necessary to restrict access to work areas.**

Givaudan recognizes that the performance of such actions may require some disturbance to the Property and that:

- EPA will minimize any disturbance and disruption to the maximum extent practicable;
- areas disturbed by EPA will be restored to their prior condition by EPA to the maximum extent practicable, at the completion of the work; and
- at the completion of the work, all investigation-derived waste will be removed from the Property.

Givaudan understands that EPA requires its contractors to maintain comprehensive vehicle liability insurance and comprehensive general liability insurance for loss or damage arising from the activities of its contractors.

Givaudan understands and agrees that the above-mentioned authorized representatives may sample its Property at reasonable times as scheduled through a designated authorized agent, representative or contractor, to the extent practicable, at least five (5) business days prior to any such entry. This pre-notification requirement excludes emergencies.

This written permission is given by Givaudan voluntarily and without threats or promises of any kind. By my signature, I, on behalf of Givaudan, acknowledge that I am fully authorized to grant such access.

By: _____

Name and Title

Date

Authorized representative of Givaudan Roure Corporation